



Land Use and Zoning Meeting Minutes

November 19, 2012

STAFF:	David Radachy
DATE:	November 20, 2012

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Hanford, Kenyon, Klco, Morse, and Terriaco, and Mmes. Diak and Malec. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there were twelve cases on the agenda, nine from Concord Township and three from Painesville Township. Staff also stated that some of the cases were combined into larger cases.

Concord Township Text Amendment – Revision of Section XXII, the creation of the Gateway Health (GH) District and Section V, adding the definition of Home.

Staff stated that the first case is Concord Township amendment 2 and amendment 1. This case is creating a new district, Gateway Health (GH); creating a purpose statement; adding new permitted, conditional and accessory uses; adding new lot, yard and building requirements; and requiring that all new development needs to go into the site plan review.

Staff stated that they were adding the following uses as either permitted or conditionally permitted: Clinics, medical or dental offices, offices, labs, restaurant (both counter services and sit down), hotels, day care (both adult and child), membership health clubs, hospitals, nursing homes, and hospice. Staff stated that the Concord Township Zoning Commission sent a zoning text amendment in October 2011 that would have added day care, nursing homes and membership health clubs to RD-2. Both the Land Use and Zoning Committee and the Planning Commission recommended approval.

The committee asked why that amendment wasn't accepted. Staff stated that he believed the amendment passed the Zoning Commission, but the Township Trustees were concerned that these uses would take over their industrial land. They felt that it was not the highest and best use of the land. They denied the change.

Staff stated that there is no district amendment going along with the text amendment. But he believed that it would still be along Auburn Road somewhere.

The Committee asked why they were adding non-medical uses such as restaurants and hotels to the permitted or conditional uses. Staff stated that some of the other businesses would like to be near the

hospital in the future. If the township rezones all the land around the hospital GH, then they will not be able to get close. It also allows owners of office buildings to rent to either a doctor or lawyer.

Staff recommended the text amendment with the additions of revising the purpose statement to read "...centralize medical and dental uses, office, research..." and recommend removal of hospital from the GB and rezone Tri Point to GH.

Mr. Klco made a motion recommending approval of the text amendment to Sections XXII and V with staff's recommendations.

Mr. Hanford seconded the motion.

All voted "Aye".

Motion passed.

Concord Township – Text Amendment, adding GH to Section 11.04, Zoning Permit, Section 29.12, Parking, Section 34.01, Fences, and Section 37.03, Design Standards.

Staff stated now that the GH has been created, we need to add other sections in the Township Zoning Resolution. This amendment requires everything in the GH to obtain a zoning permit, have its parking a certain distance away from the ROW or parcel's boundaries, follow all fence regulations and design standards. These are amendments 3, 5, 6 and 7.

Staff stated that this is the cascade effect of changing zoning text, there are many places changes have to be made when you create a new district. Staff also stated that they did not add GH to Section 14, Use Districts. Section 14 states that we will divide our Township into the following districts.

Staff recommended the text amendment with the addition of putting GH into Section 14.

Mr. Kenyon made a motion recommending approval of the text amendment with the Staff's suggestion.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

Concord Township Text Amendment – Revision of Section 13 Conditional Uses

Staff stated this amendment is adding Gateway Health (GH) as a district allowing Residential Care Facility as a Conditional Use in Section 13.07 and using the following conditions: requiring 3 acres of land for the Residential Care Facility in GH District (Section 13.07 A 3); requiring that the Residential Care Facility not take up more than 30% of the total lot area in a GH District (Section 13.07 B 3); requiring that B-1, B-2, GH, and THN Districts be in compliance with minimum front setbacks established for the corresponding districts as set forth in Section 22.04. The old requirement was all districts allowing this use to be 50 feet from the ROW (Section 13.07 C 2); requiring that all building for Residential Care Facilities in a GH District be 30 feet from adjoining property lines unless adjacent to a Residential District, then they will be required to be 50 feet (Section 13.07 D 3); requiring that the parking for the Residential Care Facility be 10 feet from adjoining property lines or 25 feet from rear lines, except when adjacent to Residential Districts, then it shall be 50 feet and 25 feet from any ROW in a GH District (Section 13.07 I 1 c and d); reducing the distance for an access drive for Residential Care

Facility from 25 feet to 10 feet(Section 13.07 J); and deleting the prohibition of Residential Care Facility for emotionally disturbed, alcohol or chemically dependent (Section 13.07 M 4).

The text amendment is also allowing Child or Adult Day Care Centers (Section 13.08), Restaurant (Counter Serve) (Section 13.20), Hospital (Section 13.31), Outdoor Storage (Section 13.32) and Retail in Association of a Permitted Use (Section 13.34) in a GH District. The Conditions are not changing.

The final part of this text amendment is excluding GB, GH, THC and THN from the requirements of a Conditional Use for Wireless Telecommunication Facilities (Section 13.18 G). State law prohibits placing conditions on cell towers in non-residential districts.

Staff recommended the changes

Mr. Klco made a motion recommending approval of the text amendment.

Mr. Morse seconded the motion.

All voted "Aye".

Motion passed.

Concord Township Text Amendment – Deletion Adding GH to Section 38, Landscaping

Staff stated that they were adding GH District to the applicability, Section 38.02, landscaping/screening, Section 38.09 and to fence, Section 38.10. They were also requiring businesses that locate near an existing nursing care facility to provide a buffer. This language is for both GH and THN Districts. They are also adding language stating that screening and landscaping is in addition to the minimum setbacks.

Staff recommends approval.

Mr. Terriaco made a motion recommending approval.

Ms. Diak seconded the motion.

All voted "Aye".

Motion passed.

Concord Township Text Amendment – Requiring Design Review GH, THC and THN Districts for Conditional Uses, and adding GH to the Site Plan Flow Chart.

Staff stated they were adding GH, THC and THN Districts Conditional Uses to be approved by Zoning Commission for design standards and adding GH to the Site Review Flow Chart.

Staff recommends approval.

Mr. Constantine made a motion recommending approval.

Ms. Malec seconded the motion.

All voted "Aye".

Motion passed.

Painesville Township Text Amendment--Adding Churches as a Permitted Use in B-1, B-2 and B-3

Staff stated that the Zoning Commission is proposing adding churches as a permitted use under Community Facilities/Recreation/Other for B-1, B-2, and B-3. Staff stated that Painesville Township currently has a definition of Church and Place of Worship in the Definition section and they would recommend that the Township use that language instead of just Church. They also stated that Motion Picture Theater and Meeting, Banquet and Party Center are similar uses and they are conditional uses. Staff recommends changing the name from "Church" to "Church or Place of Religious Worship" and recommends making this a conditional use. Churches, Motion Picture Theaters and Party Centers are all places of assembly and should be treated the same. One of the reasons for making Theaters a conditional use when we helped amend the regulations was to be able to control Churches through the conditional use permit.

Mr. Constantine stated that the Zoning Commission debated that issue. They felt they did not want to charge Churches the high conditional use fee. They felt that they were a companionable use to the businesses in the Township. They brought people into the community on Sunday that would use the other businesses.

Staff stated that there is a church in Eastlake that started out as storefront and they ended up buying the strip center and making it tax exempt. The Township may end up losing money in the future. Mr. Klco stated that Madison Township Trustees allow for reduced rates for non-profits.

Mr. Kenyon made a motion recommending approval with staff's suggestions.

Mr. Terriaco seconded the motion.

Seven voted "Aye".

One voted "Nay"

Motion passed.

Painesville Township Text Amendment – Signs

Staff stated that Painesville Township was adding language to 28.04 requiring that a home has to be for sale in order to have an open house sign erected. They were also adding language allowing businesses to have multiple wall signs not to exceed 100 square feet of total signage. The allotment would be approved by the Zoning Inspector. This has been a problem as of late. Various parties have wanted multiple signs and they have not been allowed.

Identification signs language under 28.05 B 2 is being revised. The sign area is being increased from 2 sf. to 3 sf. Placement of signs is being specified and language will allow for the signs to be illuminated if they are 2 sf. or smaller. Staff noted that the location of the identification signs is being listed as "above the covered walkway". That seems to be an error. It should be below a covered walkway. There are new regulations for the location of employment signs being proposed. Staff was questioning if two square feet for employment signs maybe small. The Township allows open house signs to be five square feet. This may be a freedom of speech issue because you are regulating based on what the sign says. Staff also stated that the new requirements address signs posted in the ground. What about employment signs posted in a window?

Staff recommends the text amendment with the following suggestions:

- Identification signs should be under a covered walkway within three feet of the door or entryway of the business.
- Employment signs posted in the ground should be allowed to be the same size as a for sale sign or open house sign, five square feet.
- Develop rules for posting employment signs that are posted in a window. You could use a maximum area of two square feet for these signs.

The Committee asked if the sign language eliminated inflatables. Staff stated that Painesville Township does not allow them now. Mr. Constantine confirmed that. The Committee also asked if this language was consistent with Concord Township. Staff stated that they did not compare the two codes.

Mr. Klco made a motion recommending approval with staff suggestions.

Mr. Hanford seconded the motion.

All voted "Aye".

Motion passed.

Mr. Klco asked for any new business. Staff stated that there was none.

Mr. Klco asked for any old business. Staff stated that there was none.

There was no public comment.

The meeting adjourned at 7:20 PM.